



Land Use Authority

76 North Main Street, Kanab, Utah 84741

(435) 644-4966 or (435) 644-4964

planning@kane.utah.gov

PROCEDURE OF A MINOR LOT SUBDIVISION

The following is the procedure to submit an application and obtain approval for a “Minor Lot Subdivision.” (Kane County Resolution, No. R 2015-10). The general purpose of this application process is to provide an official determination of the status of any divided property, to establish whether it was divided in compliance with state and local law or not at the time of the division. For property that was divided illegally, this process will help the applicant understand their options and limitations for moving forward and may provide a fast track approval to correct any procedural deficiencies.

1. If it has not been recorded already, obtain the Legal Description created at the time of the division of land. The Deed must be completed and recorded to create the minor lot subdivision.
2. Sign and notarize the “Agreement of Understanding” (attached)
3. Submit an application (attached) to the Land Use Administrator with the following documentation:
 - a. Signed “Agreement of Understanding”
 - b. A survey map of the property
 - c. Legal description of property and property being divided out of the parent parcel
4. After submitting the completed application the Land Use Administrator will conduct a review of the application. You will be notified of any problems with the application.
5. The Land Use Administrator will make one of the following determinations. 1) The land contained in the application was divided legally at the time and is currently in compliance with state and local subdivision regulations. 2) The land contained in the application was divided illegally due to substantive requirements of the law. 3) The land contained in the application was divided illegally due to procedural requirements of the law only.

Under No. 1, the Land Use Administrator issues a letter indicating that the land is in compliance. Under No.’s 2 and 3, the Land Use Administrator will issue a letter indicating that the land was divided illegally. If the land is not in compliance an application for compliance processes can be filed, for coming into compliance under current law. The application will then go to the Land Use Authority (Planning Commission) for final review and procedural approval.

6. If an additional application is required, the additional applications must be submitted no later than 10 days in advance of the next regularly scheduled Planning Commission meeting (Land Use Authority) to be considered at that meeting. If the application is heard by the Land Use Authority it is highly recommended that the applicant or their authorized agent be

present at the Land Use Authority meeting. Telephonic appearance is acceptable if prior arrangements are made.

7. After hearing the recommendation of the Land Use Administrator, the Land Use Authority will approve or deny the application. Approved applications and letter issued by the Land Use Administrator indicating that the divided land is compliant with minor lot subdivision requirements may be recorded.



Date Received:	_____
Check Number:	_____
Received By:	_____

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MINOR LOT SUBDIVISION APPLICATION

Owner/Applicant _____ Date _____
Phone _____ E-Mail _____
Address _____ Fax: _____
City _____ State _____ Zip _____

Registered Engineer or Surveyor _____
Address _____ Fax _____
City _____ State _____ Zip _____
Phone _____ E-Mail _____

Name of Subdivision, if any: _____

Location and Legal Description of Divided Land: _____

Number of Lots _____ Minimum Lot Size _____

Date land was divided _____

Attached Documents:

Record of Survey Map: Y N

Agreement of Understanding: Y N

Additional Comments: _____

I HEREBY CERTIFY THE ABOVE INFORMATION TO BE TRUE AND ACCURATE

Signature: _____

Office Use Only:

Land Use Administrator Action:

Existing Zone _____

Water/Sewer Compliance: Y N

Status of Divided Land: ☐ Compliant ☐ Substantive

Record of Survey Map: Approved Denied

General Plan Compliance: Y N

Current Subdivision Reg. Compliance: Y N

Non-Compliance ☐ Procedural Defect Only

Easements: Approved Denied N/A

AGREEMENT OF UNDERSTANDING

STATE OF UTAH)
 :SS
COUNTY OF KANE)

I, _____, the applicant for a compliance review for a minor lot subdivision (parcels listed in the legal description), hereby agree and take notice that under Kane County Land Use Ordinance 9-21K-2 in unincorporated areas of the County, dedicated roads will not be accepted, paved or maintained by the County, until the subdivision complies with Articles A through J of Chapter 21 of the Kane County Land Use Ordinance.

Date: _____

Signature: _____

Printed Name: _____

SUBSCRIBED AND SWORN TO before me on _____.

NOTARY PUBLIC

LEGAL DESCRIPTION OF BOTH PROPERTIES:

Certificate of Written Approval

On _____ 20__, the Kane County Land Use Authority Administrator approved the division of land as set forth herein. Under Utah Code 17-27A-605 the following described land meets the requirements to be exempt from a plat. Furthermore, at the time of the division of the land it was in compliance with County Ordinances. As of the date signed below, the land contained herein is in compliance with State and County laws and ordinances regarding the subdivision of land. Any document previously recorded or recorded here with that effectuates the division of land as described herein is legal as of the date that this document is recorded.

Owner(s) of the Property: _____

Parcel ID: _____

Legal Description of Property: _____

STATE OF UTAH)
 :ss
COUNTY OF KANE)

I, Shannon McBride, Kane County Land Use Authority Administrator, hereby certify that the property contained herein is in compliance with Utah State Code for a minor lot subdivision and has been approved by the Land Use Authority Administrator for compliance.

Dated this ____ day of _____, 20__ _____
Shannon McBride, Kane County Land Use Authority
Administrator

STATE OF UTAH)
 :ss
COUNTY OF KANE)

I, _____ Kane County Land Use Authority Administrator, hereby
certify that the property contained herein has applied for the minor lot subdivision and has been
approved by the Land Use Authority.

Dated this _____ day of _____, 20__ _____
Land Use Authority Administrator

SUBSCRIBED AND SWORN TO before me on this _____ day of _____, 20

NOTARY PUBLIC

ARTICLE L. MINOR SUBDIVISIONS

9-21L-1: MINOR SUBDIVISION EXEMPTION:

9-21L-2: UTAH STATE CODE SECTION 17-27A-605(4):

9-21L-1: MINOR SUBDIVISION EXEMPTION:

Kane County adopts Utah state code section 17-27a-605(4). A subdivision of land that qualifies as a minor subdivision under section 4 does not have to meet the requirements of articles A through J of this chapter. An applicant that desires to create a minor subdivision lot must file application with the Kane County land use authority certifying that the requirements of Utah state code section 17-27a-605(4) have been completed. If the applicant meets all the requirements of said subsection, the land use authority administrator will approve the subdivision after an administrative review. (Ord. 2014-1, 1-27-2014, eff. 2-11-2014)

9-21L-2: UTAH STATE CODE SECTION 17-27a-605(4):

For convenience, Utah state code section 17-27a-605(4) is repeated herein, in its entirety.

(4) (a) As used in this Subsection (4):

(i) "Divided land" means land that:

(A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and

(B) has been divided by a minor subdivision.

(ii) "Land to be divided" means land that is proposed to be divided by a minor subdivision.

(iii) "Minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth or sixth class to create one new lot that after the division is separate from the remainder of the original 100 or more contiguous acres of agricultural land.

(iv) "Minor subdivision" lot means a lot created by a minor subdivision.

(b) Notwithstanding Sections 17-27a-603 and 17-27a604, an owner of at least 100 contiguous acres of agricultural land may make a minor subdivision by submitting for recording in the office of the recorder of the county in which the land to be divided is located:

(i) a recordable deed containing the legal description of the minor subdivision lot; and

(ii) a notice:

(A) Indicating that the owner of the land to be divided is making a minor subdivision;

(B) Referring specifically to this section as the authority for making the minor subdivision; and

(C) Containing the legal description of:

(I) The land to be divided; and

(II) The minor subdivision lot.

(c) A minor subdivision lot:

(i) may not be less than one acre in size;

(ii) may not be within 1,000 feet of another minor subdivision lot; and

(iii) is not subject to the subdivision ordinance of the county in which the minor subdivision lot is located;

(d) Land to be divided by a minor subdivision may not include divided land;

(e) A County:

(i) may not deny a building permit to an owner of a minor subdivision lot based on;

(A) the lots status as a minor subdivision lot; or

(B) the absence of standards described in Subsection (4)(e)(ii); and

(ii) may, in connection with the issuance of a building permit, subject a minor subdivision lot to reasonable health, safety, and access standards that the county has established and made public.

(Ord. 2013-10, 11-4-2013, eff. 11-19-2013)